

# The Polynesian.

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EDWIN O. HALL, EDITOR.

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## OFFICIAL CORRESPONDENCE.

In order that our readers may have the data to judge correctly of the real nature of the ten specific demands made upon this government by the French Admiral, we publish below documentary evidence touching those demands.

The facts in relation to the 8th demand are thus set forth, and we ask our readers to ponder them with care.

The Consul of France, to Mr. Wylie.

HONOLULU, 16th April 1849.

Mr. the Minister,—I have the honor of sending you herewith copy of a letter from Mr. the Abbe Coulon of the French Mission of this town, in which he complains that two young people of the high school had disturbed the service on Sunday last, mimicking the ceremonies of the Catholic worship, to the great scandal of all present.

These two young people have been arrested as the Abbe Coulon informs me, and conducted before the native judge.

Be pleased to carry these facts to the cognizance of Mr. the Minister of Public Instruction whose department they concern, and make me known the measures that may be taken to prevent their return.

Please to receive, &c., &c.

From the Abbe Coulon, to the Consul of France.

Honolulu, April 16th, 1849.

Mr. the Consul,—I have the honor to inform you that on Sunday last, towards the end of Divine Service, two young people who are said to be of the High School, entered into the Catholic church of this town, and to the great scandal of the faithful applied themselves to profane the Holy Water and to mimic the ceremonies of the Catholic worship. The faithful natives caused them to be arrested and to be carried before the native judge without any interference on our part.

As similar facts but too frequently occur, I consider it my duty, Mr. the Consul, to advise you, that it may be no longer permitted to insult the Catholic religion in the interior of the edifices placed under our direction. Please, &c., &c.

Signed, COULON, P. M. F. MICHEL.

Parties guilty—Kiamoka, Paulo. Witnesses—Pahoehe, Maui, Kahoolani. Makai—Kui Ke.

Minister of Foreign Rel. to the Min. of Public Instruction.

FOREIGN OFFICE, 17th April, 1849.

Sir,—I have the honor to send you herewith, the following documents, viz.

Translation by me of M. Dillon's note to me of the 16th, received this day.

Translation by me of the Abbe Coulon's note to M. Dillon of the same date.

After M. Dillon's despatch to me of the 18th December, of which you have been made cognizant, I am not a little surprised at the course of M. Dillon, in receiving the complaint of the Abbe Coulon, without any apparent notice either to the Bishop or to you.

You will remember the audience at which the King himself told the Bishop in presence of M. Dillon that whenever the former had any unpleasant matters, he was to make them known to the Minister of Public Instruction, who was commanded to attend to them.

I cannot allow myself to be made a mere translator of languages or postman for the convenience, or to suit the caprice of any foreign Consul, although all this I have had to tolerate with M. Dillon.

I have the honor to be, &c., &c.

Min. of Public Instruction to the Min. of For. Relations.

OFFICE OF PUBLIC INSTRUCTION, }  
April 17th, 1849.

Sir,—I have had the honor to receive your communication of this date, enclosing a copy of M. Dillon's note to you of the 16th instant, and also of Abbe Coulon's letter to M. Dillon of the same date, complaining of two young people who are alleged to have disturbed the service in the Catholic church in this town on Sunday last, and were in consequence arrested and taken before a native magistrate.

The Consul of the French Republic desires that this case may be brought to my knowledge and that he may be informed as to what measures may be taken to prevent a recurrence of similar misconduct.

I have to say in reply, that the alleged offenders having been already brought before a magistrate, for the purpose they require no further notice from this department. Should like cases occur in future, on being duly informed, it will be my duty to give notice to the proper officer, that he may proceed against the offenders according to law. But I agree with you, that such complaints should be made directly to this department, and not through the Consul of France. No foreign Representative, as I conceive, has a right to take cognizance of such cases, until the remedy provided by the laws of the kingdom has been tried.

I have the honor to be, &c., &c.

The following facts relate to demand No. 9, of Admiral de Tromelin, and speak for themselves.

FACTS relating to an alleged disturbance of the house of Mareschal, a Catholic priest at Kailua, Island of Hawaii, by a native constable. The statements are taken from an official report of Kapeau, Governor of Hawaii, to His Highness, John Young, Minister of the Interior.

In January last 1849, the collector of Kailua, called on a native by the name of Hale, then living with the Catholic priest Mareschal, for his school tax, which amounted to \$2 in cash, or \$3 in trade, or else work three days in the month, for the year. Hale refused to pay the tax, on the ground that he

was destitute, and that the law was unfair, as it freed constables and soldiers, and laid the burden on others. He was called upon several times by the collector, but absolutely refused, and the priest encouraged him in refusing, telling the collector that he was poor and had no children, and also finding fault in regard to the school tax.

On the 2nd of March last, Hale was arrested and taken before the magistrate of the district for trial. After hearing the case, the judge ordered him to remain a short time in the yard of the court house, until he could have time to make up his mind on the case. Hale immediately left the yard and returned to the house of the priest, where he was pursued by several constables; but he refused to return to the court, telling the constables to carry him to the judge, as they had done before. Several constables went for him during the day, at different times, but he took refuge in the priest's house, who threatened to prosecute the constables for invading his premises, and a carpenter in the house repulsed the constables. The priest told them to bind him (the priest) and take him to the judge. They refused, saying, "it is the guilty, not the innocent we seek."

The priest demanded their warrant for thus taking the man. On this a constable ran to the Governor for a warrant (palapala) and in the mean time Hale ran into the priest Mareschal's bed room, where he was pursued and seized by a constable; a scuffle ensued in which some injury was done to the bed. Two Frenchmen entered the house, seized the constable and turned him out of doors. Then the constable arrived with an order from the Governor as follows:—

Kailua, Hawaii, March 2, 1849.

Solutions to you. It becomes you to deliver up Hale, for to have justice done for men's good, and there should be no opposition to the word of the law.

(Signed,) GEORGE L. KAPEAU,

Governor of Hawaii.

JEROIAKIM, Catholic priest }

in Kona, Hawaii. }

On seeing this order the priest told the constables to seize Hale and take him away. He was then taken to prison, where he remained until the priest paid his fine. These are the facts as stated by the Governor of Hawaii.

Mr. Wylie to the Consul of France.

FOREIGN OFFICE, 24th August, '49.

Sir,—Having had no intelligence whatever of the alleged violation of the domicile of the Abbe Mareschal, till the 22d, at 3 p. m., the moment when I received the joint despatch from yourself and the Admiral, I have the honor to notify you that the Courts of the Kingdom have always been and are as open to the Rev. Abbe, as they are to the King's subjects, or the most favored foreigners, and that under the second Article of the Treaty of the 26th March, 1846, all parties, whether natives or foreigners, have equally to seek for justice before the proper tribunals, as in all civilized countries.

The King's Chief Justice, Mr. Lee, proceeds in a few days to the Island of Hawaii, and the Rev. Abbe can appear before him and prefer this previously unheard of complaint. The Chief Justice will direct him how to institute proceedings under the laws, in order to obtain full redress of all wrong he may have suffered. If the Governor be proved guilty, he will be punished agreeably to the laws, to which he is amenable.

If you should wish to see that the rights of the Rev. Abbe are properly attended to, you can proceed to Hawaii with Chief Justice Lee, and will be welcome to a passage in the King's Yacht.

I renew the assurance, &c., &c.

Demand No. 10 will be better understood after reading the following documents:—

The Consul of France to Mr. Wylie.

Honolulu, 17th July, 1849.

Mr. the Minister,—I have the honor of addressing you herewith copy of a declaration made before me, this day, by the citizen Victor Chanceler, domiciliated in Honolulu, tending the damages done in his hotel by foreign sailors belonging to the ship of H. B. M.'s the Amphitrite.

The citizen Victor Chanceler claims my assistance to obtain the indemnity which is due to him, for the said damages.

Be pleased, Mr. Minister, in the want of local laws which protect foreign residents against similar excesses to bring these facts to the cognizance of Mr. the Commander of the Amphitrite, who will, I am sure, to order an inquiry on this subject, and to cause to be paid the indemnities which may be lawfully due.

I pray you, Mr. Minister, &c., &c.

The following is the declaration referred to, in the Consul's preceding note.

Honolulu, 15th July, 1849.

Mr. the Consul,—Permit me to bring to your knowledge, with a view to obtain justice, the following facts:—In the night of the 14th and 15th July, at eleven o'clock at night, about sixty sailors of the English Frigate, entered by force into my hotel, they being mostly intoxicated; there, having opened all the doors, they entered into my room, threw down my bed, and constrained me to serve drink to them. In the night, a window, some bottles, some glasses, some chairs, tables and different other articles, forming a considerable damage were smashed.

In vain, I called the police, to my assistance; they refused me assistance, and next day, I carried my complaint before the tribunal. The judge told me to take no measures, because the Commander would indemnify me. I have, therefore, waited, but to-day the Frigate, the Amphitrite sails, and the Commander is obstinate in denying to pay me.

I wish, therefore, Mr. the Consul, to entreat you to be pleased to interfere and to cause justice to be done.

(Signed,) VICTOR CHANCELER.

Mr. Wylie to the Consul of France.

FOREIGN OFFICE, July 17, 1849.

Sir,—I have the honor to acquaint you that your despatch with a complaint against some of the sailors of H. B. M.'s S. Amphitrite, was delivered to me about five minutes after Captain Eden had taken leave and gone off with the Pilot, to embark. Nevertheless, without waiting to translate your despatch and its enclosure from the French into English, or even to write officially to Captain Eden, I immediately went down to the wharf, to inform him verbally of your complaint, unfortunately I was too late, but I succeeded in sending off your despatches by one of his officers whom I requested to place them in the hands of Captain Eden. So soon as I receive a reply, I shall make it known to you. I renew the assurance, &c., &c.

Mr. Wylie to the Consul of France.

FOREIGN OFFICE, July 18, '49, 11, A. M.

Sir,—Referring you to my note No. 1, of yesterday, I have to inform you that by the hands of Capt. Meek, on behalf of Capt. Eden, I have this moment received back your despatch of the 17th with the declaration by Victor Chanceler made before you, on the 15th, of damages alleged to be done to his furniture, &c., by some of the crew of H. B. M.'s S. Amphitrite, and claiming an indemnity, but without saying how much.

Captain Meek assures me that Capt. Eden formed his men, addressed them a very severe reproof and ordered his Master-at-arms to ascertain the names of all the men who were in the French Hotel between the hours of 11 and of Sunday morning, intimating his purpose, to have every man who was guilty fined.

Captain Eden has not written to me one word upon the subject.

It appears to me that the citizen Victor Chanceler, ought to have added the amount of the damage done to the bills of the parties, and in the event of refusal to have instantly proceeded against them, in the regular way, before the Police Magistrate. I believe the local laws are sufficient for such emergencies, but laws are every where inoperative, unless justice is applied for and sought of the judges and in the manner prescribed by the laws.

If I hear any thing from Captain Eden upon this matter, I will take care to apprise you of it.

I renew the assurance, &c., &c.

Mr. Wylie to the Consul of France.

FOREIGN OFFICE, August 13, 1849.

Sir,—Referring you to my notes Nos. 1 and 2 of the respective dates of the 17th and 18th ultimo, I have the honor to enclose copies of Capt. Eden's despatch to me of the 31st July, and of the two enclosures therein referred to; and I hope the result will render unnecessary any further correspondence between you and me, upon the same subject.

I renew the assurance, &c., &c.

[Enclosure in Mr. Wylie's No. 4.]

H. B. M.'s S. AMPHITRITE,

Hilo Bay, Hawaii, 31st July, 1849.

Sir,—I have to acknowledge the receipt of copies of your letters to Monsieur Dillon, the French Consul at Honolulu, relative to a complaint against some of the crew under my command, accompanied by a bill for \$93, for damages from the proprietor of the French Hotel.

And in answer, I beg leave to state that I cannot after a strict investigation find any cause for allowing such a demand to be made upon them, as the accompanying declaration of Lieut. Furneaux (who at the request of the Marshal visited the Hotel that evening) as also that of the Petty Officers show how little injury he sustained, as on the following morning the said Petty Officers went to the proprietor and enquired into the extent of breakages, when a bill was made out against them for \$8, and whilst they were on board, collecting the money, it was increased to the enormous sum of \$93.

I called upon H. B. M.'s Consul General, on the subject. I also called upon your Excellency, as well as upon M. Dillon, the French Consul, to whom I said that if the proprietor of the French Hotel would come on board and recognize any of the men who did damage to his property, that they should remunerate him; but he never came.

The difficulty of detecting the offenders among so large a body of men will be obvious to yourself as well as to M. Dillon, and therefore it would be an injustice to punish the whole crew, when it appears only a few were implicated, but the fact of the Petty Officers going next morning to offer payment as shown in their declaration, will prove it was not a malicious act.

I have come to this conclusion from the following circumstances, viz, the general good and orderly conduct of the crew under my command, during a stay of seven weeks at Honolulu, which was remarked, not only by myself, but by the officers of the ship, as well as by H. B. Majesty's Government and the whole community of your interesting Island, and furthermore, I may be allowed to observe that on one occasion when all the other hotels were shut up at an early hour in the evening the French Hotel was the only one open, thereby inviting any disorderly people to his premises, and he ought to have been prepared for any casualties.

I trust that this explanation will satisfactorily show the annoyance that this circumstance has given me, and I sincerely regret that it should ever have occurred.

I have the honor to be Your Excellency's obedient servant.

THOMAS RODNEY EDEN,

Captain.

His Excellency, R. C. WYLLIE,

Min. For. Rel., Honolulu.

I, James Hays, Boatswain's-mate, came into the room at the French Hotel, saw no other damage than three or four panes of glass, a few tumblers and two water coolers broken in the course of the night. Some of the men told me that two tumblers had been taken away and asked me to go up in the morning and replace them. I went up next morning at 9 o'clock with the two tumblers,

hethen told me that his house had been broken open; another Petty Officer was with named Mears, we told the proprietor if that was the case to send for the Sheriff and have the place examined before he left, soon after the Sheriff came in and looked all over the house with ourselves; the sheriff was satisfied that there were no grounds for the suspicion, and told the proprietor so in our hearing. Before this, the proprietor told me he would be perfectly satisfied with eight dollars for all damage done.

JAMES HAYS.

(Witness,) GEO. WALKER, Lieut.

H. B. M.'s S. Amphitrite, Aug. 4, 1849.

H. B. M.'s S. Amphitrite, Aug. 4, '49.

I, Charles Hawkins, Gunners-mate, was at the French Hotel the greater part of the time when our men were there, saw only a few tumblers, and a pane or two of glass broken. Had a bottle of brandy which I paid two dollars and a half for in company with eight more of ourselves. Know of one or two of the other men having paid for half bottles which they were drinking with the rest of their shipmates. Neither saw, nor do I believe there was anything stolen.

CHARLES HAWKINS,

Gunners-mate.

(Witness,) GEO. WALKER, Lieut.

When I visited the French Hotel, on Saturday, about 12, p. m., being requested to do so by the Sheriff, I did not observe any empty bottles in the room occupied by the men belonging to H. B. M.'s S. Amphitrite, but some of the glasses on the table were broken, and one or two of the windows slightly damaged. And had the Sheriff visited the house, instead of remaining outside, I have no doubt his statement would agree with mine.